

AMENDED IN ASSEMBLY JANUARY 8, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1482**

**Introduced by Assembly Member Richman**

February 23, 2001

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An act to ~~add Article 6 (commencing with Section 41860) to Chapter 7 of Part 2 of Division 30~~ amend *Section 40974* of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1482, as amended, Richman. ~~Solid~~ *Regional solid waste diversion agencies*.

~~(1) The~~

*The* existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, establishes an integrated waste management program. Under existing law, the act requires each city, county, city and county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan. Those entities are required to divert, on and after January 1, 2000, 50% of the solid waste from disposal or transformation, through source reduction, recycling, and composting subject to the element, except as specified. Existing law authorizes the board to issue an order of compliance with a schedule for achieving compliance, if the board finds that the city, county, or regional agency has failed to implement its source reduction and recycling element or its household hazardous waste element. ~~Under existing law, penalties imposed by the board for noncompliance with the act's diversion requirements are required to be deposited in the~~

~~Local Government Assistance Account in the Integrated Waste Management Fund.~~

~~This bill would enact the “California Landfill Reduction Act of 2000” and would define the term “applicable waste,” for purposes of the act, as solid waste collected or handled within a city or county that the board determines has not implemented its source reduction and recycling element.~~

~~The bill would prohibit any solid waste landfill from accepting or disposing of applicable waste unless the solid waste is processed, as defined. If the board determines that a city or county has not implemented its source reduction and recycling element by January 1, 2003, the city or county would be required to submit to the board a compliance schedule to provide for the processing of applicable waste. The bill would require the board to review and approve the schedule within 6 months after the schedule is submitted. The bill would prohibit an enforcement agency from issuing a solid waste facilities permit for a new or expanded solid waste landfill until the board approves the schedule. The bill would require the board to adopt regulations to implement its provisions.~~

~~The bill would subject a solid waste landfill that accepts applicable waste, in violation of the act, to a civil penalty of \$10 for each ton of that waste and would require the board to deposit the penalties in the Local Government Assistance Account.~~

~~The bill would authorize the Attorney General to bring an action to enforce the act and would authorize any person to bring an action in the public interest to enforce the act.~~

~~The bill would impose a state-mandated local program by imposing new duties upon cities and counties with respect to the diversion of solid waste.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

*Existing law authorizes a city or county to form a regional agency with another city or county for the purpose of complying with the integrated waste management program. Existing law allows the agreement that establishes a regional agency to apportion the civil penalties that may be imposed for a failure to submit an adequate plan*

*or to implement the plan element if the total amount of the civil penalties imposed against the regional agency is equivalent to the sum of the penalties that may be imposed against each city or county that is a member of the regional agency.*

*This bill would delete the condition that the agreement provide for the apportionment of the civil penalties in that manner and would instead prohibit the total amount of civil penalties that may be imposed against the regional agency from exceeding \$10,000 per day.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~ no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1.—Article 6 (commencing with Section 41860) is~~  
2     ~~SECTION 1. Section 40974 of the Public Resources Code is~~  
3     ~~amended to read:~~  
4     40974. Notwithstanding Section 40972, each city or county  
5     ~~which that~~ is a member agency of a regional agency is liable for  
6     any civil penalties ~~which that~~ may be imposed by the board  
7     pursuant to Section 41813 or 41850. However, an agreement  
8     ~~which that~~ establishes a regional agency may apportion any civil  
9     penalties between or among the cities or counties ~~which that~~ are  
10    member agencies of the regional agency ~~if the~~. The total amount  
11    of civil penalties ~~which that~~ may be imposed against the regional  
12    agency is equivalent to that amount ~~which is the sum of the~~  
13    ~~penalties which may be imposed against each city or county which~~  
14    ~~is a member agency of the regional agency pursuant to Section~~  
15    ~~41813 or 41850 shall not exceed a maximum of ten thousand~~  
16    ~~dollars (\$10,000) per day.~~  
17    ~~added to Chapter 7 of Part 2 of Division 30 of the Public Resources~~  
18    ~~Code, to read:~~  
19  
20    ~~Article 6.—California Landfill Reduction Acts of 2000~~  
21  
22    ~~41860.—(a) This article shall be known, and may be cited as,~~  
23    ~~the California Landfill Reduction Act of 2000.~~  
24    ~~(b) The board shall adopt regulations to implement this article.~~  
25    ~~41861.—For purposes of this article, the following definitions~~  
26    ~~shall apply:~~

~~(a) “Applicable waste” means any solid waste collected or handled within a city or county that the board determines, pursuant to Section 41825, has not implemented its source reduction and recycling element.~~

~~(b) “Processing” means any system or activity to separate and recover recyclables, compostable organics, reusable items, or other materials qualifying as diversion from applicable waste after this waste has been collected, but before the waste is delivered to, a solid waste landfill. This system or activity shall separate and recover from applicable waste a minimum of 75 percent of the recyclable and compostable component of the applicable waste.~~

~~41862. (a) Any solid waste landfill required to have a permit pursuant to this division shall not accept or dispose of applicable waste unless the solid waste is processed.~~

~~(b) If the board determines, pursuant to Section 41825, that the city or county is implementing its source reduction and recycling element, the requirements of subdivision (a) shall not apply to the solid waste collected or handled within the city or county.~~

~~41863. Each person collecting or handling applicable waste shall certify to the board that any applicable solid waste has been processed before disposal.~~

~~41864. (a) On or before January 1, 2003, if the board determines, pursuant to Section 41825, that a city or county has not implemented its source reduction and recycling element, the city or county shall submit to the board a compliance schedule for amending the source reduction and recycling element, countywide siting element, and nondisposal facility element of the integrated waste management plan to provide for the processing of applicable waste. The compliance schedule shall provide for full implementation of the plan’s elements within a year of the date that the schedule is submitted to the board, unless an exception is granted by the board for specified hardships. The board shall not grant an exception pursuant to this subdivision for the full implementation of the plan’s elements at a time later than two years after the date of submission.~~

~~(b) The board shall review and approve the schedule within six months after the date when the schedule is submitted to the board pursuant to subdivision (a).~~

~~(c) Notwithstanding this division, an enforcement agency shall not issue a solid waste facilities permit for any new or expanded~~

1 ~~solid waste landfill in a city or county required to submit a schedule~~  
2 ~~pursuant to subdivision (a) until the schedule is approved by the~~  
3 ~~board.~~

4 ~~41865. (a) Any solid waste landfill that accepts for disposal~~  
5 ~~any applicable waste that has not been processed shall be subject~~  
6 ~~to a civil penalty of ten dollars (\$10) per ton of this accepted~~  
7 ~~applicable waste. The board shall deposit all penalties collected~~  
8 ~~pursuant to this subdivision in the Local Government Assistance~~  
9 ~~Account, as specified in Section 41850.5.~~

10 ~~(b) The Attorney General may bring an action to enforce this~~  
11 ~~article. Any person may bring an action in the public interest to~~  
12 ~~enforce this article after a period of 30 days following notice to the~~  
13 ~~board and the Attorney General. Attorneys fees and costs shall be~~  
14 ~~awarded in successful action brought by a person in the public~~  
15 ~~interest under this article.~~

16 ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
17 ~~Section 6 of Article XIII B of the California Constitution because~~  
18 ~~a local agency or school district has the authority to levy service~~  
19 ~~charges, fees, or assessments sufficient to pay for the program or~~  
20 ~~level of service mandated by this act, within the meaning of~~  
21 ~~Section 17556 of the Government Code.~~